

EXHIBIT B

Lemerise, George

From: Thomas Quarles <tquarles@devinemillimet.com>
Sent: Wednesday, December 21, 2016 3:35 PM
To: Lemerise, George
Subject: FW: Cannon Liability Releases

Hi George. I'm not sure this is your correct e-mail address, but if you get this, I need your help on the matters below. I left you a message on your office phone and cell phone as well. We haven't had any response from John DeVivo, so I am hoping you can get involved and send me the needed releases. Please give me a call at the number below. Thanks.

Thomas Quarles, Jr. Esq.
Shareholder
p. 603-695-8641 | Biography |

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DEVINE
MILLIMET MANCHESTER CONCORD PORTSMOUTH BOSTON
ATTORNEYS AT LAW 603-669-1000 : DEVINEMILLIMET.COM

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From: Jay Gamble [<mailto:JGamble@mtsunapee.com>]
Sent: Wednesday, December 14, 2016 8:36 AM
To: Thomas Quarles; DeVivo, John (John.DeVivo@dred.nh.gov)
Cc: Brendan P. Mitchell
Subject: Cannon Liability Releases

Good morning Tom and John,

John and I spoke about the Cannon Mountain's Liability Releases at our SkiNH Board of Directors meeting last week. I shared with John your concern that Cannon's releases, as currently written, may not be upheld in NH courts due to some subtle language issues that need to be corrected.

I also told John that I would make an email introduction to you and him, and that I would be happy to pay for one-hour of your time for you to speak with him on those language issues so that John can speak with DRED's liaison in the AG's office about the matter. Brian Buonamono was previously their counsel, but he may be rotated off and a new counsel named soon.

I also asked John if he could provide me with copies of EVERY liability release that Cannon was using during the 2014-2015 ski season. I was thinking that John could mail them to me at Mount Sunapee, but in the interest of time, maybe he could mail them to you directly at Devine Millimet at 111 Amherst Street, Manchester, NH 03101.

John, as busy as we both are right now, if I could ask a huge favor and you mail those releases to Tom this week, I'd greatly appreciate it.

Thanks,
Jay

Jay Gamble

Vice-President & General Manager
Mount Sunapee Resort
PO Box 2021, 1398 Route 103
Newbury, NH 03255
603-763-3500
jgamble@mtsunapee.com

Lemerise, George

From: Thomas Quarles <tquarles@devinemillimet.com>
Sent: Thursday, December 22, 2016 11:31 AM
To: Lemerise, George
Cc: Jay Gamble
Subject: FW: Cannon Liability Releases

Hi George. My e-mail to you yesterday didn't bounce back, so I assume you got it. Please see the additional e-mail below, which tells you exactly what releases we need. Even if you can't get all this done today, I'd appreciate a response to this e-mail saying you got it and are working on it. I now have an actual Cannon lift ticket from 2015 with your release language on the back, so you can take that off the list below.

I look forward to hearing from you. Thanks.

Thomas Quarles, Jr. Esq.
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From: Thomas Quarles
Sent: Wednesday, December 14, 2016 11:10 AM
To: 'Jay Gamble'; DeVivo, John (John.DeVivo@dred.nh.gov)
Cc: Brendan P. Mitchell
Subject: RE: Cannon Liability Releases

Thanks Jay. This is spot on.

John – I am here in the office all week to talk to you about this. I also have a long relationship with George Lemerise, if you want to put him on this. There is no need to bill Jay for this, though I thank you for that gesture Jay. I do my share of free work for SkiNH each year and we can put an hour under that category.

In any event, I hope you can send me all your 2014-2015 liability releases this week (scanning and e-mailing them to me is fine). That would be the lift ticket, season pass, equipment rental, competition/ ski clubs and ski instruction liability releases. Then we can talk about what else I need for my Sunapee case and how we can help fix the Cannon releases. Thanks.

Thomas Quarles, Jr. Esq.
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To: Thomas Quarles; DeVivo, John (John.DeVivo@dred.nh.gov)
Cc: Brendan P. Mitchell
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Thanks,
Jay

Jay Gamble
Vice-President & General Manager
Mount Sunapee Resort
PO Box 2021, 1398 Route 103
Newbury, NH 03255
603-763-3500
jgamble@mtsunapee.com

Lemerise, George

From: Thomas Quarles <tquarles@devinemillimet.com>
Sent: Friday, December 23, 2016 3:42 PM
To: William Mead
Cc: Lemerise, George
Subject: RE: Cannon and Sunapee

Thanks Bill. George called me shortly after I left you this e-mail yesterday.

As one of the old timers, do you have a general idea of when Cannon began using liability release language on the back of its lift tickets? I have the same issue for a case with Sunapee where the plaintiff claims that such a release violates NH and federal law as well as the lease terms between the state and Sunapee. Obviously the fact that Cannon has been using lift ticket releases for x years blows up that argument. I am hoping you can help me with how many years, even if it is approximate, "x" is. If you always remember them, just give me when you started with Cannon. I need this info. by Wed. of next week. Thank you much. Have a great Christmas.

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From: William Mead [mailto:chiefmead@gmail.com]
Sent: Thursday, December 22, 2016 12:15 PM
To: Thomas Quarles
Cc: George Lemerise
Subject: Re: Cannon and Sunapee

I just spoke to George, he will be faxing you this afternoon.

Bill

On Dec 22, 2016 11:48 AM, "Thomas Quarles" <tquarles@devinemillimet.com> wrote:

Hi Bill and holiday greetings. I hope you are well. I have a case for Sunapee where we need info. on Cannon's liability releases and practices over the years. I am not getting timely responses from George Lemerise or John DeVivo. Could you give me a call so I can pick your brain? I am here all day today and until 3 p.m tomorrow. Thanks.

Thomas Quarles, Jr. Esq.

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Lemerise, George

From: Thomas Quarles <tquarles@devinemillimet.com>
Sent: Friday, December 23, 2016 3:48 PM
To: LaRue, Ashley
Cc: Lemerise, George; Brendan P. Mitchell
Subject: Cannon liability releases

Thank you for this and your phone call George. Since our call, I have looked over these releases generally. The only ones that don't have an enforceability problem are the equipment rental releases, as those have to use the manufacturer's release language, which does clearly say "negligence". The others all need work.

Also this is a reminder that you will send me the FSC release. I am also wondering if you use a snowsports lesson release. There is no such release in this packet.

Thanks again George. Have a great Christmas and I'll call you next week.

Thomas Quarles, Jr. Esq.
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From: LaRue, Ashley [<mailto:Ashley.LaRue@dred.nh.gov>]
Sent: Friday, December 23, 2016 7:42 AM
To: Thomas Quarles
Cc: Lemerise, George
Subject:

George Lemerise asked me to forward these to you.. Please let me know if there is anything further you need ..

Thank you and Merry Christmas

Ashley LaRue
Cannon Mt./ FNSP
260 Tramway Drive
Franconia, NH 03580
603.823.7722 Ext. 716

Lemerise, George

From: Thomas Quarles <tquarles@devinemillimet.com>
Sent: Tuesday, December 27, 2016 2:40 PM
To: William Mead
Cc: Lemerise, George; Brendan P. Mitchell
Subject: RE: Cannon and Sunapee

Thanks Bill. We will ask the AG, but with the attorney turnover they have, I am not optimistic they will have any idea. I don't need a separate affidavit from you. I just need to get some general timeframe re: how long they have been in use at Cannon so I can put that into George's affidavit. Can we tie that in to when you became Patrol Director?

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From: William Mead [mailto:chiefmead@gmail.com]
Sent: Monday, December 26, 2016 2:54 PM
To: Thomas Quarles
Cc: George Lemerise
Subject: Re: Cannon and Sunapee

Merry Christmas Tom,

I started as a part time patrolman at Cannon in 1968.

Unfortunately, I can not recall or even guess when the release language came into play.

I am pretty safe to assume that the AG's office would have been involved in the drafting of any such language.

Perhaps they could be of help to you.

Bill

On Fri, Dec 23, 2016 at 3:41 PM, Thomas Quarles <tquarles@devinemillimet.com> wrote:

Thanks Bill. George called me shortly after I left you this e-mail yesterday.

As one of the old timers, do you have a general idea of when Cannon began using liability release language on the back of its lift tickets ? I have the same issue for a case with Sunapee where the plaintiff claims that such a release violates NH and federal law as well as the lease terms between the state and Sunapee. Obviously the fact that Cannon has been using lift ticket releases for x years blows up that argument. I am hoping you can help me with how many years, even if it is approximate, "x" is. If you always remember them, just give me when you started with Cannon. I need this info. by Wed. of next week. Thank you much. Have a great Christmas.

Thomas Quarles, Jr. Esq.

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Lemerise, George

From: Thomas Quarles <tquarles@devinemillimet.com>
Sent: Friday, December 30, 2016 2:34 PM
To: William Mead
Cc: Lemerise, George
Subject: RE: Cannon and Sunapee

Okay. Thanks Bill.

George- have you reached the AG's Office ? I should be able to get a draft affidavit to you by next Wednesday. I still need to know if you use a snowsports lesson release and you need to send me the FSC release. Thanks.

Thomas Quarles, Jr. Esq.
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p. 603-695-8641 | Biography |

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From: William Mead [mailto:chiefmead@gmail.com]
Sent: Thursday, December 29, 2016 10:46 AM
To: Thomas Quarles
Cc: George Lemerise
Subject: Re: Cannon and Sunapee

Hi Tom,

I spoke with George again yesterday. he says he can take you back 9 years.

I can't do any better than that.

Bill

On Tue, Dec 27, 2016 at 2:40 PM, Thomas Quarles <tquarles@devinemillimet.com> wrote:

Thanks Bill. We will ask the AG, but with the attorney turnover they have, I am not optimistic they will have any idea. I don't need a separate affidavit from you. I just need to get some general timeframe re: how long they have been in use at Cannon so I can put that into George's affidavit. Can we tie that in to when you became Patrol Director ?

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Lemerise, George

From: Thomas Quarles <tquarles@devinemillimet.com>
Sent: Thursday, January 05, 2017 11:59 AM
To: Lemerise, George
Cc: Brendan P. Mitchell
Subject: FW: Miller v. Sunapee
Attachments: Affidavit of George Lemerise (M3370492x9DD8D).docx; 2014-2015 Lift Ticket (M3370716x9DD8D).pdf

Good Morning George. I hope things have calmed down for you now that the holidays are over. I attach a draft of your affidavit as we have discussed along with an old Cannon lift ticket I had from the same season as the Sunapee accident in this lawsuit.

As you can see, there are two pieces of information that need to be added in paragraphs 2 and 3. This is a Word document so you can add that yourself or you can have me do it. Call if you have any other questions as well. We are trying to file our motion to dismiss early next week, so I would appreciate it if you could get this finalized today or tomorrow, have it notarized and mail it back to me by the end of the day tomorrow. Thanks again George. I appreciate your help.

Thomas Quarles, Jr. Esq.
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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

THOMAS JACKSON MILLER,
Plaintiff

v.

THE SUNAPEE DIFFERENCE, LLC
d/b/a MOUNT SUNAPEE RESORT,
Defendant

Civil Action No. 1:16-cv-143-JL

AFFIDAVIT OF GEORGE LEMERISE

I, George Lemerise, having been duly sworn, do hereby depose and say:

1. I am over the age of 18 and understand the meaning of an oath.
2. I have been employed by New Hampshire ski areas for my entire adult working life, starting in ____.
3. I am currently the Mountain Operations Manager of Cannon Mountain ski area and a full time, year-round employee of the State of New Hampshire. I first began working for Cannon Mountain in ____.
4. Cannon Mountain is part of the Franconia Notch State Park and is entirely owned and operated by the State of New Hampshire, through the Department of Resources and Economic Development.
5. Cannon Mountain routinely uses liability releases in its ski areas operations as do most ski areas in New Hampshire.
6. This was the case in 2015 as well. Cannon Mountain has used a lift ticket liability release for all its patrons since at least 2008 that is referenced on the front and printed on the

back of each lift ticket. A color copy of the lift ticket liability release used for our 2014-2015 season is attached as Exhibit A.

7. In addition to a lift ticket liability release, Cannon Mountain also uses liability releases in its season pass, equipment rental, childcare, snowsports school and competition enrollment forms. Current copies of these liability releases are attached as Exhibit B.

FURTHER AFFIANT SAYETH NOT

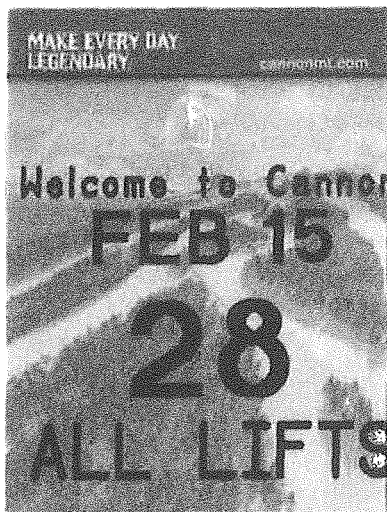
Date

George Lemerise

STATE OF NEW HAMPSHIRE
COUNTY OF _____

I hereby certify that on _____, 2017, before me personally appeared George Lemerise, and swore that the foregoing statements are true to the best of his knowledge, information and belief.

Notary Public/Justice of the Peace
My Commission Expires:



Ski NH VIP Coupon
1879211011 101847 02/28/2018
JOAN TRAH
0.00



Read warning on back before attaching ticket.

• NON-TRANSFERABLE • ILLEGAL TO RESALE



I understand and accept all terms and conditions posted at the place this ticket was issued, and realize I am bound by them as a condition of using the ticket and any facilities of this ski area. I accept that I will be exposed to inherent and other risks and dangers that may cause serious injury or death. I therefore agree to accept full responsibility for any and all injuries or property damage and agree to make no claim against the ski area or any of its owners or employees for any injury or harm to me regardless of cause. I agree that any use of this ticket or these facilities confirms absolutely my agreement to be bound by all these terms and others posted, whether I obtain this ticket myself or it was provided to me by someone else.

0627576

WARNING: This ticket will be revoked for discourteous or reckless skiing.

• Non-refundable • Non-transferable

• Void if detached

• Not replaceable if lost or stolen.

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Tango-Lowy, Torene

From: DeVivo, John
Sent: Thursday, February 16, 2017 1:27 PM
To: Tango-Lowy, Torene
Cc: Lemerise, George
Subject: FW: Cannon Liability Releases

Importance: High

From: Jay Gamble [mailto:JGamble@mtsunapee.com]
Sent: Wednesday, December 14, 2016 8:36 AM
To: Thomas Quarles; DeVivo, John
Cc: Brendan P. Mitchell
Subject: Cannon Liability Releases

Good morning Tom and John,

John and I spoke about the Cannon Mountain's Liability Releases at our SkiNH Board of Directors meeting last week. I shared with John your concern that Cannon's releases, as currently written, may not be upheld in NH courts due to some subtle language issues that need to be corrected.

I also told John that I would make an email introduction to you and him, and that I would be happy to pay for one-hour of your time for you to speak with him on those language issues so that John can speak with DRED's liaison in the AG's office about the matter. Brian Buonamono was previously their counsel, but he may be rotated off and a new counsel named soon.

I also asked John if he could provide me with copies of EVERY liability release that Cannon was using during the 2014-2015 ski season. I was thinking that John could mail them to me at Mount Sunapee, but in the interest of time, maybe he could mail them to you directly at Devine Millimet at 111 Amherst Street, Manchester, NH 03101.

John, as busy as we both are right now, if I could ask a huge favor and you mail those releases to Tom this week, I'd greatly appreciate it.

Thanks,
Jay

Jay Gamble
Vice-President & General Manager
Mount Sunapee Resort
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Newbury, NH 03255
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jgamble@mtsunapee.com